



UNITED STATES PATENT AND TRADEMARK OFFICE

Technology Center 1700

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In re application of :
Achim Grefenstein et al. : DECISION ON
Serial No. 08/987,775 : PETITION
Filed: December 09, 1997 :
For: LAMINATED SHEETS OR FILMS AND MOLDINGS THEREOF :

This is a response to the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT", filed January 21, 2004. The petition requests that the abandonment, as set forth in the Notice of Abandonment of January 12, 2004, for failure to timely file a proper response to the Office letter mailed January 03, 2003 be withdrawn. The petitioner asserts that applicants timely filed an Request for Continuous Examination (RCE) and Petition for Suspension on June 26, 2003.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee).

A review of the instant application file indicates that in response to the final rejection mailed January 03, 2003, the applicants did file the Request for Continuation (RCE) and Petition for Suspension on June 26, 2003. However, the request was not accompanied by a submission as correctly stated in the Office letter mailed October 09, 2003. An RCE must be accompanied by a proper submission (e.g., an amendment or an IDS or new arguments or new evidence in support of patentability) as required by 37 CFR 1.114. A petition for suspension of action is not considered as a proper submission under 37 CFR 1.114. In the instant application, because the RCE filed June 26, 2003 without a submission is improper, the Office will not recognize the request for suspension, and action by the Office will not be suspended. The time period set in the previous Office communication (i.e. a final Office action) continues to run from the mailing date (i.e. January 03, 2003) of the last Office action. Furthermore, the action cannot be



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suspended in an application which contains an outstanding Office action or requirement awaiting reply by applicant. See MPEP 709 B.

The holding of abandonment, set forth in the Notice of Abandonment of January 12, 2004 was proper and is maintained.

The Petition is **DENIED**.



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